

Docket No. A2011-21

## Postal Regulatory Commission

Washington, D.C. 20268-0001

### NOTICE OF FILING UNDER 39 U.S.C. § 404(d)

TO THE UNITED STATES POSTAL SERVICE:

Please take notice that on July 14, 2011, the Commission received a petition for review of the Postal Service's determination to close the Ukiah Main Post Office in Ukiah, California and application for suspension of the determination. The petition for review was filed by Michael E. Sweeney, individually and Save Ukiah Post Office Committee (Petitioners).

This notice is advisory only and is being furnished so that the Postal Service may begin assembling the administrative record in advance of any formal appeal proceedings held upon the alleged (closing/consolidation) for transmittal pursuant to 39 CFR § 3001.113(a) (requiring the filing of the record within 15 days of the filing with the Commission of a petition for review). The Postal Service's administrative record is due no later than July 29, 2011.



Ruth Ann Abrams  
Acting Secretary

Date: July 15, 2011

Attachment

Barry Vogel  
California State Bar Number 60141  
P.O. Box 383  
Ukiah, California 95482  
(707) 462-6541  
vogel@pacific.net  
Attorney for Save Ukiah Post Office Committee

Michael E. Sweeney, in pro per  
P.O. Box 1001  
Ukiah, CA 95482  
(707) 468-9710  
sweeney@pacific.net

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

July 13, 2011

Save Ukiah Post Office Committee,	)	Docket No. _____
and Michael E. Sweeney,	)	
	)	
Petitioners.	)	
	)	
vs.	)	PETITION FOR REVIEW OF
	)	CLOSURE AND
United States Postal Service,	)	CONSOLIDATION OF UKIAH
	)	MAIN POST OFFICE AND
Respondent.	)	APPLICATION FOR
	)	SUSPENSION OF
	)	DETERMINATION

PETITIONERS SAVE UKIAH POST OFFICE COMMITTEE AND MICHAEL E. SWEENEY state:

1. Petitioner SAVE UKIAH POST OFFICE COMMITTEE is an unincorporated association of individuals and businesses served by the Ukiah Main Post Office, 224 N. Oak Street, Ukiah, California.
2. Petitioner MICHAEL E. SWEENEY is an individual who rents personal and business post office boxes at the Ukiah Main Post Office.

3. This petition requests that the Commission set aside the determination of the United States Postal Service to close and consolidate the Ukiah Main Post Office located at 224 N. Oak Street, Ukiah, California, and that any such determination shall be suspended pending a decision of the claims set forth herein.

4. Closure and consolidation of the Ukiah Main Post Office will cause substantial harm to users and to the City of Ukiah, without financial benefit to the Postal Service and with significant probability of financial loss to the Postal Service.

5. The Postal Service has arbitrarily and capriciously refused legitimate requests for relevant documents pertaining to the closure and consolidation made by Petitioner SWEENEY, the City of Ukiah, and Congressman Mike Thompson, thereby interfering with the right under law of concerned members of the public to comment on underlying reasons and analyses upon which the Postal Service has based its decision to close and consolidate the Main Ukiah Post Office. The Postal Service must be required to provide said information, receive and consider public comments thereon prior to making any decision related to the Main Ukiah Post Office.

6. On or about June 20, 2011, Ujwala Tamaskar, Manager, Pacific Facilities Service Office, sent a letter to Mayor Mari Rodin of the City of Ukiah stating that the Vice President of Facilities and the Vice President of Delivery and Post Office Operations had approved a recommendation to "relocate the retail services currently located at 224 North Oak Street to a "facility located at 671 South Orchard." A copy of this letter is attached hereto as Exhibit A.

7. On or about June 20, 2011, a "Notice to Customers" was posted in the lobby of the Ukiah Main Post Office stating that "The San Francisco District of the U.S. Postal Service has received approval to relocate the Ukiah Main Post Office, 224 N. Oak St. to the Ukiah Carrier Annex, 671 S. Orchard St., Ukiah, CA 95482." A copy of this Notice is attached hereto as Exhibit B.

8. The opportunity for appeal stated in Exhibits A and B is meaningless since Exhibit A states that the same official to whom appeals should be addressed, the Vice President of Facilities, has already approved the decision.

9. Although the Postal Service calls its intended action a "relocation," it is a *de facto* closure of a 74-year-old post office and consolidation of its functions into another post office facility.

10. The Postal Service has failed to observe procedure required by 39 CFR 241.3 regarding the closure and consolidation, specifically by failing to make and disclose written findings, supported by substantial evidence in the record.

11. The Postal Service has failed to observe procedure required by law regarding the closure and consolidation by making a decision prior to any analysis or findings under the National Environmental Policy Act [42 USC 4331 et. seq.], although the proposed undertaking is a major federal action with significant possible environmental impacts that must be subject to an environmental assessment.

12. The Postal Service has failed act to act in accordance with law regarding the closure and consolidation because the decision would fail to utilize an historic building to the maximum extent feasible as required by the National Historic Preservation Act [16 USC 470 et. seq.].

13. The Postal Service has failed to observe procedure required by law regarding the closure and consolidation by failing to carry out the Section 106 consultation procedure under the National Historic Preservation Act prior to making a decision.

14. Suspension of the Postal Service's determination is necessary because Petitioners and the general public will suffer irreparable loss if there is any disruption of service at the Ukiah Main Post Office.

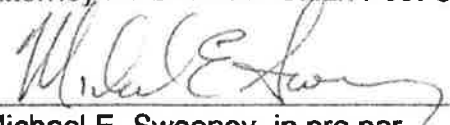
WHEREFORE, Petitioners request the following relief:

- A. An order of the Commission setting aside the decision to close and consolidate the Ukiah Main Post Office.
- B. An order of the Commission suspending the decision to close and consolidate the Ukiah Main Post Office pending the outcome of this appeal.
- C. An order of the Commission directing the Postal Service to observe all procedures required by law in the event of further consideration of closure or consolidation of the Ukiah Main Post Office, including the procedures required by 39 CFR 241.3, the National Environmental Policy Act and the National Historic Preservation Act, and disclosure of all documents, reports and/or information upon which the Postal Service relied consider closure and consolidation of the Ukiah Main Post Office .

Respectfully submitted,

  
Barry Vogel, Esq.  
Attorney for Save the Ukiah Post Office Committee

Date: July 13, 2011

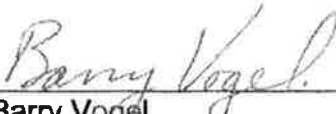
  
Michael E. Sweeney, in pro per

Date: 7-13-11

Subscription

I certify under penalty of perjury that I have read the foregoing Petition; I know the contents thereof; that the Petition has been subscribed and executed in the capacity specified in the document as representative of the Save Ukiah Post Office Committee with full power and authority so to do; that to the best of my knowledge, information and belief every statement contained in the document is true and no such statements are misleading; and that such document is not filed for purposes of delay.

Date: July 13, 2011

  
Barry Vogel  
Attorney at Law

Subscription

I certify under penalty of perjury that I have read the foregoing Petition; I know the contents thereof; that to the best of my knowledge, information and belief every statement contained in the document is true and no such statements are misleading; and that such document is not filed for purposes of delay.

Date: 7-13-11


  
Michael E. Sweeney

EXHIBIT A

PACIFIC FACILITIES SERVICE OFFICE



June 20, 2011

The Honorable Mayor Rodin  
300 Seminary Avenue  
Ukiah, CA 95482

Dear Mayor Rodin:

On June 13, 2011 a recommendation was forwarded to the Vice President of Facilities for his approval to relocate the retail services currently located at 224 North Oak Street to our facility located at 671 South Orchard.

This is written notice that on June 20, 2011 the Vice President of Facilities, with the concurrence of the Vice President Delivery and Post Office Operations, approved the request to relocate the retail services from the North Oak Street facility to our South Orchard facility.

As provided in CFR 39 241.4, your office and members of the Ukiah community may appeal this decision within the next 15 days of the receipt of this letter. As appropriate, your appeal should be directed to Vice President, Facilities and addressed as follows:

Vice President, Facilities  
Attn: Diana K. Alvarado  
Pacific Facilities Service Office  
Facilities Planning and Requirements  
395 Oyster Point Boulevard, Suite 225  
South San Francisco, CA 94080-0300

Sincerely,

A handwritten signature in blue ink, appearing to read "Ujwala Tamaskar".  
Ujwala Tamaskar  
Manager/a

Pacific Facilities Service Office

# Notice to Customers:

June 20, 2011

The San Francisco District of the U.S. Postal Service has received approval to relocate the Ukiah Main Post Office, 224 N Oak St. to the Ukiah Carrier Annex, 671 S Orchard St., Ukiah CA 95482.

As provided in the Postal Service's Community Relations Regulations concerning relocations (CFR 39 241.4), members of the Ukiah community have until July 6, 2011 to appeal. No particular format is required for requesting review, but the request must be in writing and identify the post office or location affected; and should identify the decision objected to, and state the reasons for the objection

As appropriate, any appeal should be directed to Vice President, Facilities, and addressed as follows:

Vice President, Facilities  
Attn: Diana K. Alvarado  
Facilities Planning and Requirements  
395 Oyster Point Boulevard, Suite 225  
South San Francisco, CA 94080-0300



EXHIBIT B